

Entered - 07/21/99 - sb
CL99L0451 - DIANNE C. MITCHELL

**CLAIM OF: ALLSTATE INSURANCE COMPANY
AS SUBROGEE OF KENDRA AND
HOWARD HENSLEY,
through their attorney,
Mary A. Miller
55 Oakbrook Parkway
Norcross, Georgia 30093**

For damages alleged to have been sustained as a result of a vehicular accident on June 9, 1999 at 34 A Sydney Marcus Boulevard, NE.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell by R/W/DCA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY
CITY COUNCIL

ADVISORY REPORT

Public Safety

11/28/00

C. T. Martin

Sherry D. ...

Michael R. ...

CERTIFIED

DEC 4 2000

ATLANTA CITY COUNCIL PRESIDENT

Robert W. Pitts

CERTIFIED
DEC 04 2003
Rhonda Daughlin Johnson
MUNICIPAL CLERK



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

December 13, 2000

Mary A. Miller
Attorney at Law
55 Oakbrook Parkway
Norcross, Georgia 30093

00-R-1920

RE: Allstate Insurance Company as subrogee of
Kendra & Howard Hensley

Dear Attorney Miller:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on December 4, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0451

Date: November 13, 2000

Claimant /Victim Allstate Insurance Companies as Subrogee of Kendra and Howard Hensley

BY: (Atty) Mary A. Miller

Address: 55 Oakbrook Parkway, Norcross, Georgia 30093

Subrogation: X Claim for Property damage \$ 2,019.98 Bodily Injury \$ _____

Date of Notice: 07/12/99 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 06/09/99 Place: 34 A Sydney Marcus Boulevard, NE

Department Public Works Division: Sewer Operations

Employee involved Eugene Morris Disciplinary Action: Pending

NATURE OF CLAIM: The driver of the City vehicle backed into the claimants' parked vehicle causing damages in the above amount. However, the claimants have rejected the City's settlement offer.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected X Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 11-24-00

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK

City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 7/1/99

ENTERED - 7-21-99 - SB
99L0451 - DOBBS JORDAN

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2019.98 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 6/9/99 2. Time of Incident: 12:28 PM 3. Police called: ☒ Yes ☐ No
(month/day/year)
4. Location of incident (including street address): 34A Sydney Marcus Blvd.
5. Name of your insurance company: Allstate Policy No. 645 035240 02/21
6. State what and how incident occurred: I was walking out of KFC when Mr. Morris backed into my parked truck. The impact set my anti-theft alarm off and gas was pouring from my rear gas tank. He and his passenger found the accident amusing - I did not.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: Ford Crew Cab dually 1994 3910 RT Howard Hensley
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: Chevrolet 1500 Eugene Morris Water & Sewer
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: Greg Hensley 1542 Tanglewood Way Conyers, Ga 30012 770-760-7523
(Name) (Address) (Telephone Number)
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employees).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Howard V. Hensley
(Print Claimant's Name)

1375 Country Ln Dr.
(Address)

Conyers, Ga 30012
(City, State and Zip Code)

770-712-9881 770-760-9880
(Work Number) (Home Number)

760-7523

00-2 -1920

RCS# 2434
12/04/00
3:58 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-19

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	B Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1874
00-O-1986
00-R-1950

CONSENT

		12/04/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1289 2. 00-O-1680 3. 00-O-1792 4. 00-O-1797 5. 00-O-1003 6. 00-O-1228 7. 00-O-1795 8. 00-O-1796 9. 00-O-1860 10. 00-O-1616 11. 00-O-1853 12. 00-O-1801 13. 00-O-1963 14. 00-O-1965 15. 00-R-1788 16. 00-R-1886 17. 00-R-1953 18. 00-R-1955 19. 00-R-2009 20. 00-R-2010 21. 00-R-2011* 22. 00-R-1890 23. 00-R-1937 24. 00-R-1938 25. 00-R-1939 26. 00-R-1940 27. 00-R-1988 28. 00-R-2006 29. 00-R-2013 30. 00-R-1887 31. 00-R-2015 32. 00-R-1957 33. 00-R-1958 34. 00-R-1877 35. 00-R-2008	36. 00-R-1959 37. 00-R-1882 38. 00-R-1985 39. 00-R-1943 40. 00-R-1945 41. 00-R-1946 42. 00-R-1947 43. 00-R-1948 44. 00-R-1949 45. 00-R-1951 46. 00-R-1970 47. 00-R-2016 48. 00-R-1901 49. 00-R-1902 50. 00-R-1903 51. 00-R-1904 52. 00-R-1905 53. 00-R-1906 54. 00-R-1907 55. 00-R-1908 56. 00-R-1909 57. 00-R-1910 58. 00-R-1911 59. 00-R-1912 60. 00-R-1913 61. 00-R-1914 62. 00-R-1915 63. 00-R-1916	64. 00-R-1816 65. 00-R-1817 66. 00-R-1818 67. 00-R-1819 68. 00-R-1820 69. 00-R-1821 70. 00-R-1822 71. 00-R-1823 72. 00-R-1824 73. 00-R-1825 74. 00-R-1826 75. 00-R-1827 76. 00-R-1828 77. 00-R-1829 78. 00-R-1830 79. 00-R-1831 80. 00-R-1832 81. 00-R-1833 82. 00-R-1834 83. 00-R-1836 * President Pitts recused himself.